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ROMEO ARANAS, et al.,
Defendants.

(Docket No. 55)

Plaintiff asks the Court to take notice that, although Defendant's reply to his motion for summary judgment was due no later than August 28, 2017, such reply had not been filed by Defendant or served on Plaintiff as of the filing of the instant motion. Docket No. 55 at 2. Plaintiff therefore asks the Court to deny Defendants' motion for summary judgment and grant certain relief sought by Plaintiff. *Id.* Plaintiff's entire motion and request for relief are based on his contention that Defendant failed to file and serve his reply to his motion for summary judgment. *See* Docket No. 55.

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1 In response, Defendant Aranas submits that he filed and served his reply to the motion for
2 summary judgment on August 28, 2017. Docket No. 56 at 1. *See also* Docket No. 43 (reply to motion
3 for summary judgment, including certificate of service, filed on August 28, 2017). Defendant further
4 submits that, concurrent with filing his response to the instant motion, he has mailed Plaintiff an
5 additional copy of his reply to the motion for summary judgment. Docket No. 56 at 2.

6 Accordingly, Plaintiff's motion for relief, Docket No. 55, is hereby **DENIED** as moot.

7 IT IS SO ORDERED.

8 DATED: October 24, 2017.

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12 NANCY J. KOPPE
13 United States Magistrate Judge
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